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PATTON BOGGS LLP  
8484 WESTPARK DRIVE  
SUITE 900  
MCLEAN, VA 22102

EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

KB

<b>Office Action Summary</b>	<b>Application No.</b> 09/390,026	<b>Applicant(s)</b> PEYSER ET AL.	
	<b>Examiner</b> Yogesh C Garg	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-19 and 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-19 and 21-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>Jul12,2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 28, 2004 has been entered.

### ***Response to Amendment***

2. The applicant's RCE, as cited above, and the Amendment received on May 27, 2004 are acknowledged and entered. The applicant has amended claims 1, 13, 26, 30-31, and 35-37 and cancelled claims 7 and 20. Currently claims 1-6, 8-19 and 21-38 are pending for examination.

### ***Response to Arguments***

3. Applicant's arguments (see Remarks, pages 14-18) with respect to rejection of claims 1-6, 8-19 and 21-38 under 35 U.S.C. 103 (a) filed on May 27, 2004 have been considered but are moot in view of new grounds of rejection, necessitated due to amendments to claims 1, 13, 26, 30-31, and 35-37

This is a Non-Final Rejection.

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***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8-19, and 21-38 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Claim 1 has been amended to recite the newly added limitation, “obtaining information regarding prior use of telecommunication services of the buyer” and this lacks structural and cooperative relationship with rest of the manipulative steps. This newly added step neither clarifies nor provides any further enhancement to the existing manipulative steps before amendment. Therefore, Claim 1 and its dependencies 2-6, and 8-12 are rendered unclear and indefinite. Remaining of the claims also include the newly added limitation and they are also analyzed and rejected on the same basis.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 8-16, 18, 21-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giovannoli in view of Shkedy and further in view of Kohen (US Patent 6,604,239).

5.1. **With regards to claims 1**, Giovannoli discloses a method for purchasing services, comprising:

receiving a request for purchasing at least one service from a buyer via a buyer terminal (see at least FIG.1, "BUYER" represents buyers' terminals, col.2, lines 52-65, "*.....processes requests for quotation for goods and/or services from a buyer ...*", col.3, lines 5-21, col.5, lines 49-57, FIG.2A, FIG.4, FIG.8);

providing the request to a plurality of seller terminals, each of the seller terminals being associated with a different providers of services (see at least FIG.1, "VENDOR" represents sellers' terminals, col.2, lines 52-col.3, line 21, "*.....transmitting or making available the buyer's request for quotation to said selected vendors ...*", col.5, lines 49-57, FIG.2A, FIG.4, FIG.8;

receiving a reply from at least one of the seller terminals in response to the request(see at least col.2, lines 52-col.3, line 21, "*.....said selected vendors communicating their quotations either directly to the buyer or to the computerized system* ", col.5, lines 58-61, FIG.2A, FIG.2B, FIG.4, FIG.8);

providing the reply to the buyer terminal (see at least col.2, lines 52-col.3, line 21, "*.....said selected vendors communicating their quotations either directly to the buyer or to the computerized system* ", col.5, lines 58-61, FIG.2A, FIG.2B, FIG.4, FIG.8);

receiving a selection from the buyer terminal in response to the reply (see at least FIG.2B " *....Enable the buyer to select options...quotations....*", col.6, lines 1-11, "*.....would permit the buyer to select a response option directly from the quotation HTML-page.....*"); and

notifying a provider of the selection and an identity of the buyer (see at least FIG.2B "*....such options may include sending an electronic purchase order in response to a vendors quotation.....processing of HTML e-mail responses....*", col.6, lines 1-11, "*The option may be to request that an e-mail purchase order be sent to a vendor.....*");.

Giovannoli teaches selling services without any restriction from any types of vendors without any restriction via a communication network (see at least col.1, lines 5-15, "*The invention relates generally...for processing requests for quotations for...services from network members...through the computer based communications network of network members*", col.2, lines 35-51, col.7, lines 31-47). Giovannoli does not explicitly disclose buying/selling telecommunication services. However, Shkedy, in the same filed of electronic commerce of buying and selling, explicitly teaches buying/selling telecommunication services (see Shkedy col.28, lines 35-38, "*.. Long Distance Telephone .....group of business could negotiate a better rate of on their long distance* ").

In view of Shkedy, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli to incorporate the feature of buying and selling telecommunication services as explicitly disclosed in Shkedy. Doing so would help the buyers to locate appropriate vendors and vendors/sellers to dispose off their surplus capacity efficiently and economically as stated in Giovannoli (see at least col.1, lines 25-41).

Giovannoli in view of Shkedy as applied to claim 1 above does not disclose: obtaining information regarding prior use of telecommunication services of the buyer. However, in the same field of endeavor, that is selling and marketing television programs (associated with telecommunication services), Kohen suggests obtaining information regarding prior use of telecommunication services of the buyer (see at least col.7, lines 27-39, "*Optional but preferred*

*features of system 10 include a promotional information module 28. Promotional information module 28 preferably includes various games, quizzes and other interactive activities for the user to operate through user interface 12. **These activities can optionally be used to gather additional user information, and to promote new and existing television programs, advertisements, actors and actresses. In addition, preferably these activities are used to gather user feedback about proposed, newly launched and/or existing television programs.** In order to encourage the user to perform these activities, optionally and more preferably, various prizes and other rewards are offered to the user.* “. Note: Kohen's teaching of collecting user's feedback about the existing television programs corresponds to claimed limitation. In view of Kohen, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Giovannoli in view of Shkedy as applied to claim 1 above to incorporate the feature of obtaining information regarding prior use of telecommunication services of the buyer. Doing so helps the provider of services to promote new and existing services based upon the feedback gathered from the users about their experiences with the programs, as explicitly disclosed in Kohen.

**With regards to claims 2-3, Giovannoli/Shkedy/Kohen further teaches :**

registering the buyer prior to receiving the request (see Giovannoli, col.4, lines 1-4, “*registered as a user by completing an application and can be a buyer*”, col.4, line 67-col.5, line 8),

obtaining contact information from the buyer and the buyer name (col.4, line 67-col.5, line 8, “*.....A potential user accesses the Internet.....and becomes a quotation network user by completing a registration application providing necessary data about itself* “. Note: The necessary registration data to include buyer's name and contact information.);

assigning an initial password to the buyer (col.4, lines 58-60, “*New members would receive password information ....*”).

**With regards to claim 5**, Giovannoli/Shkedy/Kohen teaches Identifying billing preferences for the service ( see at least Giovannoli, FIG.2B, “ ...*Buyer to select options.....appropriate credit information of the buyer be provided to the vendor from records kept by the system* “, col.6, lines 2-23, “...*to effect automatically a credit purchase.....payment on confirmation from the shipper....and accepted by the buyer...permit release of funds to the vendors account...*).

**With regards to claim 8**, Giovannoli/Shkedy/Kohen teaches: compiling a list of providers to receive the request; and wherein the providing the request includes: granting access to the request to only the providers on the list (see at least Giovannoli, FIG.5, “ *Table of selected vendors.....populate FTP files of vendors selected for this RFO.....Get a vendor from.....selected table...*”, col.5, lines 9-39).

**With regards to claim 9**, Giovannoli/Shkedy/Kohen teaches compiling a list of providers to receive the request; and wherein the providing the request includes: distributing the request to only the providers on the list (see at least Giovannoli, FIG.5, “ *Table of selected vendors... ..populate FTP files of vendors selected for this RFO.....Get a vendor from.....selected table ...*”, col.5, lines 9-39).

**With regards to claim 10**, Giovannoli/Shkedy/Kohen teaches: verifying an identity of the buyer and presenting the request to the seller terminals only when the identity of the buyer is verified (see at least Giovannoli, col.4, lines 1-4, “...registered as a user by completing an application ...”, col.4, lines 58-60, “...*members would receive password information....*”col.4,



lines 67-col.5, line 8, “.....*once registered, a member can access the forms necessary for preparing a request for quotation.....*”).

**With regards to claim 11**, Giovannoli/Shkedy/Kohen teaches presenting, to the buyer terminal, contractual terms and conditions for providing the at least one telecommunication service from the notified provider (see at least Giovannoli, col.5, lines 58 , “ *The lower portion of FIG.8. shows a response from ...with pricing, contact information, delivery, and vendor notes.....subject to prior sale...*”, FIG.8 ); and

receiving an acceptance of the terms and conditions from the buyer terminal (see Giovannoli at least FIG.2B “ ....*Enable the buyer to select options...quotations....*”, col.6, lines 1-11, “ .....*would permit the buyer to select a response option directly from the quotation HTML-page.....*”, FIG.2B “.....*such options may include sending an electronic purchase order in response to a vendors quotation.....processing of HTML e-mail responses....*”, col.6, lines 1-11, “ *The option may be to request that an e-mail purchase order be sent to a vendor.....*”).

**With regards to claim 12**, Giovannoli/Shkedy/Kohen teaches receiving, from the seller terminals, filtering criteria that specifies types of requests the providers want to receive; and distributing the request to seller terminals based on the filtering criteria (see at least Giovannoli, col.5, lines 11-36, “.....*vendors may “deselect” themselves from quoting on certain types of RFQs.....Filtering performed by a quotation system computer may simply involve limiting the network members to whom the RFQ is given and/or to whom responses are given...*”, FIG.7, “ *Vendor adds to the data packet.....Note: Vendor’s filter qualifications for buyers can be registered.....*”, col.7, lines 31-47.).

**With regards to system claim 13**, its limitations correspond to the limitations of the method claim 1 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

**With regards to system claims 14-16, 18, 21-25**, their limitations correspond to the limitations of the method claims 1-3, 5, and 8-12 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

**With regards to claim 26**, Giovannoli discloses a computer-implemented method for purchasing services, comprising:

generating a request for select services (see at least FIG.1, "BUYER" represents buyers' terminals, col.2, lines 52-65, "*.....processes requests for quotation for goods and/or services from a buyer ...*", col.3, lines 5-21, col.5, lines 49-57, FIG.2A, FIG.4, FIG.8);

distributing the request to a plurality of sellers of services (see at least FIG.1, "VENDOR" represents sellers' terminals, col.2, lines 52-col.3, line 21, "*.....transmitting or making available the buyer's request for quotation to said selected vendors ...*", col.5, lines 49-57, FIG.2A, FIG.4, FIG.8;

receiving replies to the request from the sellers (see at least col.2, lines 52-col.3, line 21, "*.....said selected vendors communicating their quotations either directly to the buyer or to the computerized system*", col.5, lines 58-61, FIG.2A, FIG.2B, FIG.4, FIG.8);

selecting at least one of the sellers based on the received replies (see at least col.2, lines 52-col.3, line 21, "*.....said selected vendors communicating their quotations either directly to the buyer or to the computerized system*", col.5, lines 58-61, FIG.2A, FIG.2B, "....Enable

*the buyer to select options...quotations....", FIG.4, FIG. 8, col.6, lines 1-11, ".....would permit the buyer to select a response option directly from the quotation HTML-page....."); and*

*notifying the at least one seller of the selection (see at least FIG.2B " ....such options may include sending an electronic purchase order in response to a vendors quotation.....processing of HTML e-mail responses....", col.6, lines 1-11, " The option may be to request that an e-mail purchase order be sent to a vendor.....");.*

Giovannoli teaches selling services without any restriction from any types of vendors without any restriction via a communication network (see at least col.1, lines 5-15, "*The invention relates generally...for processing requests for quotations for...services from network members...through the computer based communications network of network members*", col.2, lines 35-51, col.7, lines 31-47). Giovannoli does not explicitly disclose buying/selling telecommunication services. However, Shkedy, in the same field of electronic commerce of buying and selling, explicitly teaches buying/selling telecommunication services (see Shkedy col.28, lines 35-38, "*.. Long Distance Telephone .....group of business could negotiate a better rate of on their long distance* ").

In view of Shkedy, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli to incorporate the feature of buying and selling telecommunication services as explicitly disclosed in Shkedy. Doing so would help the buyers to locate appropriate vendors and vendors/sellers to dispose off their surplus capacity efficiently and economically as stated in Giovannoli (see at least col.1, lines 25-41).

Giovannoli in view of Shkedy as applied to claim 1 above does not disclose: obtaining information regarding prior use of telecommunication services of the buyer. However, in the same field of endeavor, that is selling and marketing television programs (associated with telecommunication services), Kohen suggests obtaining information regarding prior use of

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telecommunication services of the buyer (see at least col.7, lines 27-39, “ *Optional but preferred features of system 10 include a promotional information module 28. Promotional information module 28 preferably includes various games, quizzes and other interactive activities for the user to operate through user interface 12. **These activities can optionally be used to gather additional user information, and to promote new and existing television programs, advertisements, actors and actresses. In addition, preferably these activities are used to gather user feedback about proposed, newly launched and/or existing television programs.** In order to encourage the user to perform these activities, optionally and more preferably, various prizes and other rewards are offered to the user.* “. Note: Kohen’s teaching of collecting user’s feedback about the existing television programs corresponds to claimed limitation. In view of Kohen, it would have been obvious to one of an ordinary skill in the art at the time of the applicant’s invention to have modified Giovannoli in view of Shkedy as applied to claim 1 above to incorporate the feature of obtaining information regarding prior use of telecommunication services of the buyer. Doing so helps the provider of services to promote new and existing services based upon the feedback gathered from the users about their experiences with the programs, as explicitly disclosed in Kohen.

**With regards to claim 27**, Giovannoli/Shkedy/Kohen teaches: compiling a list of sellers to receive the request; and wherein distributing the request includes: granting access to the request to only the sellers on the list (see at least Giovannoli, FIG.5, “ *Table of selected vendors.....populate FTP files of vendors selected for this RFO.....Get a vendor from.....selected table...*”, col.5, lines 9-39) .

**With regards to claim 28**, Giovannoli/Shkedy/Kohen teaches compiling a list of sellers to receive the request; and wherein distributing the request includes: transmitting the request to only the sellers on the list (see at least Giovannoli, FIG.5, “ *Table of selected vendors...*

*...populate FTP files of vendors selected for this RFO.....Get a vendor from.....selected table ...*", col.5, lines 9-39).

**With regards to claim 29**, Giovannoli/Shkedy/Kohen teaches: verifying an identity of an initiator of the request and distributing the request includes: presenting the request to the sellers only when the identity is verified (see at least Giovannoli, col.4, lines 1-4, col.4, lines 58-60, col.4, lines 67-col.5, line 8).

**With regards to system claims 30-34**, their limitations correspond to the limitations of the method claims 26-29 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

**With regards to claim 35**, Giovannoli discloses a method comprising:

receiving requests for providing services from a plurality of buyers via buyers' terminals (see at least FIG.1, "BUYER" represents buyers' terminals, col.2, lines 52-65, *".....processes requests for quotation for goods and/or services from a buyer ..."*, col.3, lines 5-21, col.5, lines 49-57, FIG.2A, FIG.4, FIG.8);

providing the requests to a plurality of seller terminals, the requests excluding identities of the buyers, each of the seller terminals being associated with a different providers of services (see at least FIG.1, "VENDOR" represents sellers' terminals, col.2, lines 52-col.3, line 21, *".....transmitting or making available the buyer's request for quotation to said selected vendors ..."*, FIG.7, "Sample buyer's data packet.....Buyer's identification (code)". Note: A code is used to identify the buyer while transmitting the requests to sellers and not the actual identity of the buyer. Also see col.5, lines 49-57, FIG.2A, FIG.4, FIG.8);

receiving replies from the seller terminals in response to the request and providing the replies to the buyer terminals (see at least col.2, lines 52-col.3, line 21, “.....said selected vendors communicating their quotations either directly to the buyer or to the computerized system “, col.5, lines 58-61, FIG.2A, FIG.2B, FIG.4, FIG.8 ;

receiving selections from the buyer terminals based on the replies (see at least FIG.2B “ ....Enable the buyer to select options....quotations....”, col.6, lines 1-11, “ .....would permit the buyer to select a response option directly from the quotation HTML-page.....”); and

notifying providers of the selection and the identities of the buyers (see at least FIG.2B “ ....such options may include sending an electronic purchase order in response to a vendors quotation.....processing of HTML e-mail responses....”, col.6, lines 1-11, “ The option may be to request that an e-mail purchase order be sent to a vendor.....”);.

Giovannoli teaches selling services of any type without any restriction from any types of vendors without any restriction via a communication network (see at least col.1, lines 5-15, “ The invention relates generally...for processing requests for quotations for...services from network members...through the computer based communications network of network members “, col.2, lines 35-51, col.7, lines 31-47). Giovannoli does not explicitly disclose buying/selling telecommunication services. However, Shkedy, in the same filed of electronic commerce of buying and selling, explicitly teaches buying/selling telecommunication services (see Shkedy col.28, lines 35-38, “.. Long Distance Telephone .....group of business could negotiate a better rate of on their long distance “). In view of Shkedy, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli to incorporate the feature of buying and selling telecommunication services as explicitly disclosed in Shkedy. Doing so would help the buyers to locate appropriate vendors and vendors/sellers to dispose off

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their surplus capacity efficiently and economically as stated in Giovannoli (see at least col.1, lines 25-41).

Giovannoli in view of Shkedy as applied to claim 1 above does not disclose: obtaining information regarding prior use of telecommunication services of the buyer. However, in the same field of endeavor, that is selling and marketing television programs (associated with telecommunication services), Kohen suggests obtaining information regarding prior use of telecommunication services of the buyer (see at least col.7, lines 27-39, "*Optional but preferred features of system 10 include a promotional information module 28. Promotional information module 28 preferably includes various games, quizzes and other interactive activities for the user to operate through user interface 12. **These activities can optionally be used to gather additional user information, and to promote new and existing television programs, advertisements, actors and actresses. In addition, preferably these activities are used to gather user feedback about proposed, newly launched and/or existing television programs.** In order to encourage the user to perform these activities, optionally and more preferably, various prizes and other rewards are offered to the user.*" . Note: Kohen's teaching of collecting user's feedback about the existing television programs corresponds to claimed limitation. In view of Kohen, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Giovannoli in view of Shkedy as applied to claim 1 above to incorporate the feature of obtaining information regarding prior use of telecommunication services of the buyer. Doing so helps the provider of services to promote new and existing services based upon the feedback gathered from the users about their experiences with the programs, as explicitly disclosed in Kohen.

**With regards to system claim 36**, its limitations correspond to the limitations of the method claim 35 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

**With regards to claim 37**, for computer-readable medium configured to store instructions that cause a computer to perform, its limitations correspond to the limitations of the method claim 35 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

**With regards to claim 38**, for computer-readable medium configured to store instructions that cause a computer to perform, its limitations correspond to the limitations of the method claim 26 analyzed above and are therefore analyzed and rejected on the same basis. Also see Giovannoli, col.6, lines 36-59.

6        Claims 4 and 17 are rejected under 35 U.S.C. 103(a) as being as being obvious over Giovannoli/ Shkedy/Kohen in view of Harper et al. (US Patent 5,416,833), hereinafter, referred to as Harper.

**With regards to claims 4 and 17**, Giovannoli/Shkedy/Kohen teaches a method and system for purchasing telecommunication services, as disclosed and analyzed in claims 1 and 14 above. . Giovannoli/Shkedy further teaches obtaining business information of the buyer (see Giovannoli, FIG.7, " *Sample Buyer's Data Packet-----Note: Buyer's filter conditions might include language spoken.....location of the vendor* ").

Giovannoli/Shkedy/Kohen does not explicitly disclose obtaining demographics - characteristics of the individual people in business, if the buyer is a business entity. Harper, in the same field of endeavor, i.e. of receiving service requests and orders for telephone services, teaches obtaining demographics about the individual people (see at least col.18, lines 58-61, "...*demographics and life-style clues obtained during the contact* ").



In view of Harper, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli/Shkedy/Kohen to include the step of obtaining demographics -characteristics of the individual people in business because it would enable the suppliers to recommend and sell products and services to customers based upon their characteristics, as explicitly taught in Harper (col.18, lines 58-61).

6. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being as being obvious over Giovannoli/ Shkedy in view of Official Notice.

6.1. **With regards to claims 6 and 19**, Giovannoli/Shkedy/Kohen teaches a method and system purchasing telecommunication services, as disclosed and analyzed in claims 1 and 14 above. Giovannoli/Shkedy/Kohen further teaches identifying telecommunication services for each of the business sites, and identifying desired features of each of the telecommunication services ( see at least Giovannoli , col.4, lines 1-49, "... *The programming.....would include information sufficient.....to identify standard goods or services that they wish to identify in a request for quotation* ", FIG.7, " Product identification", Fig.8, ".....Product name.....Product number ...Manufacturer....") and receiving, from the buyer terminal, an identification of business sites to ship goods (see at least Giovannoli, FIG.7, "...Sample Buyers Data Packet .....Ship destination ", FIG.8, ".....Routing to : New Jersey " ). Giovannoli/Shkedy does not disclose identifying business sites to receive the at least one telecommunication service.

Official Notice is taken of the fact and benefits of informing or identifying the locations where the services are to used . As per knowledge generally available it is well known that buyers (including both individual and businesses) when ordering for repair services of appliances or installation of new wiring, cable services , etc. it would be inherent to inform/identify the locations where the said services are required so that the supplier of services

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can access and repair/install the services and estimate cost to reach those locations. In view of the Official Notice, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Giovannoli/Shkedy/Kohen to include the step of identifying the business sites to receive the ordered service. Doing so would enable the supplier of services to access and repair/install the services, as explained above in the examples.

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Publication 2001/0014868 A1 to Herz et al. discloses a system for automatic determination of which products a shoppes would be most interested to buy and what prices and promotions a vendor should offer the shopper in order to maximize his profits (see at least paragraph 0002 on page 1). In order to implement this process Herz teaches **obtaining information regarding prior use of products/services of the buyer** ( the new limitation added by the applicant in all the independent claims.), **see at least paragraph 0277 on page 29, “** *Because salespersons must work with offer profiles and shopper profiles under time-critical situations, when implementing this technology it is important to pay careful attention to the user interface. As an additional aid in the dynamic agent-mediated sales system, the user interface may be adapted to incorporate visualization tools for the sales person. Data mining will allow the sales person to identify certain correlations between the present user (and/or his/her unique attributes including domain specific price sensitivity), product/offer affinities, optimal sales pitches (or supplemental materials used in facilitating the sales process), probable statistically predicted next responses of the customer in response to each offer and/or sales pitch, likely additional attributes (e.g. psychographic) which can be inferred about the user based on feedback from the other attribute*

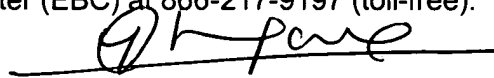
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**sources.** “. Note: These practices are applicable for selling all types of products/services including telecommunication services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
September 7, 2004